

Report Date: August 10, 2015

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AUG 10 2015

SEAN F. McAVOY, CLERK
DEPUTY
RICHLAND, WASHINGTON**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: James Andrew Flett

Case Number: 2:11CR00105-EFS-1

Address of Offender: [REDACTED]

Name of Sentencing Judicial Officer: The Honorable Edward F. Shea, Senior U.S. District Judge

Date of Original Sentence: February 9, 2012

Original Offense: Crime on Indian Reservation - Robbery, 18 U.S.C. §§ 1153(a) and 2111

Original Sentence: Prison - 9 Months
TSR - 25 months

Type of Supervision: Supervised Release

Asst. U.S. Attorney: Rudy Verschoor

Date Supervision Commenced: April 3, 2015

Defense Attorney: Federal Defender's Office

Date Supervision Expires: May 2, 2017

PETITIONING THE COURT**To issue a warrant.**

The probation officer believes that the offender has violated the following conditions of supervision:

Violation Number Nature of Noncompliance

- 1 **Mandatory Condition # 2:** The defendant shall not commit another Federal, state, or local crime.

Supporting Evidence: According to a statement of the arresting officer, a preliminary finding of probable cause, and other documents provided by the Colville Tribal Prosecutor's Office, on July 18, 2015, a police officer responded to a report of a hit and run on the Gifford ferry boat in Inchelium, Washington. The suspected vehicle was described as a blue Ford Probe.

The officer was able to locate the suspected vehicle parked at a residence in Inchelium. Mr. Flett was in the passenger side of the vehicle at the time the officer made contact with him.

After completing the contact with Mr. Flett, the officer returned to the ferry boat to assess the damage. Other passengers on the ferry boat were interviewed and reported that a male with multiple tattoos on his body was driving the vehicle and struck the side of the ferry boat as it was exiting the vessel.

While driving back to Inchelium, the officer observed the suspected vehicle traveling toward the ferry boat with Mr. Flett allegedly driving. The officer initiated a traffic stop on the vehicle operated by Mr. Flett. Upon making contact with Mr. Flett, the officer could smell

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the odor of intoxicating substances emitting from his person. In addition, the officer observed that Mr. Flett's speech was slurred, his eyes were blood shot and watery, and he admitted to drinking alcohol.

Mr. Flett refused to provide a breath sample for the purposes of alcohol testing. Subsequently, the investigating officer secured a warrant to collect a blood sample from Mr. Flett. On July 19, 2015, at approximately 12:39 a.m., a blood sample was collected from Mr. Flett. According to the Colville Tribal Prosecutor's Office, the result of the blood sample has not been received.

On July 22, 2015, Mr. Flett was formally charged in the Tribal Court of the Confederated Tribes of the Colville Reservation in Nespelem, Washington (Colville Tribal Court) with driving under the influence, hit and run unattended, and driving while license suspended or revoked. Mr. Flett reportedly made an initial appearance in Colville Tribal Court on July 28, 2015. His next scheduled hearing is on September 18, 2015.

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Standard Condition # 3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.

Supporting Evidence: On July 20, 2015, Mr. Flett was scheduled to report to the U.S. Probation Office in Spokane, Washington, for a monthly meeting with the undersigned officer. He failed to report as instructed.

On July 22, 2015, Mr. Flett contacted the undersigned officer and advised he failed to report as instructed on July 20, 2015, due to a bee sting and eating some food that caused him to be ill. The undersigned officer was aware of Mr. Flett's law enforcement contact that occurred on July 18, 2015, and asked if he was in custody at the time of his scheduled meeting with this officer. Mr. Flett then acknowledged he was in custody for the charges outlined in violation #1 of this report at the time of his scheduled meeting on July 20, 2015. Subsequently, the undersigned officer instructed Mr. Flett to report to the U.S. Probation Office in Spokane, Washington, on July 29, 2015, at 9 a.m.

On July 29, 2015, Mr. Flett contacted the undersigned officer and advised he would be unable to report at 9 a.m. due to transportation issues. He stated he would be able to report on July 29, 2015, at 1 p.m., which the undersigned officer agreed to the change in his appointment. Despite the change in the time of the appointment, Mr. Flett failed to report as instructed on July 29, 2015.

Supporting Evidence: On August 3, 2015, Mr. Flett contacted the undersigned officer. He was instructed to report to the U.S. Probation Office in Spokane, Washington, on August 6, 2015, at 1 p.m. Mr. Flett failed to report as instructed on August 6, 2015.

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Special Condition # 18: You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: On July 22, 2015, while discussing his arrest for driving under the influence, Mr. Flett admitted to consuming one beer on July 18, 2015.

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Supporting Evidence: On August 3, 2015, Mr. Flett contacted the undersigned officer telephonically. During that conversation, Mr. Flett admitted to consuming a 30-pack of beer on or about August 2, 2015.

The U.S. Probation Office respectfully recommends the Court issue a warrant for the arrest of the defendant to answer the allegations contained in this petition.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 08/10/2015

s/Erik Carlson

Erik Carlson
U.S. Probation Officer

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☐ The Issuance of a Summons
☐ Other



Signature of Judicial Officer

8/10/15

Date